

Claims 12-33 are the only claims pending as of this First Amendment.

### I. Election

Per the Examiner's restriction requirement, Applicant elects claims 1 and 12-33. The Examiner identified these claims as "Group I" claims "drawn to a solvent dispenser/suction device, classified in class 118, subclass 50." This election is without traverse.

### II. Objection to the specification.

Per the Examiner's suggestion, Applicant has updated the specification to reflect the more recent history of the parent application.

### III. Rejection of claims under 35 U.S.C. §102

The Examiner rejected various claims as being anticipated either by Japanese reference 8-5825 by Honda (hereinafter Honda) or Japanese reference 56-73579 by Uchida et al. (hereinafter Uchida). Applicant addresses each basis for rejection separately below.

#### A. Rejection based on Honda

The Examiner rejected pending claims 12-14 and 16-33 as being anticipated by Honda. First, Applicant notes that the Examiner did not reject claim 15 under this basis. Further, claim 16 is dependent upon claim 15. Because Honda does not anticipate the invention in claim 15, Honda should not be held to anticipate the narrower dependent claim 16.

As for the remaining claims, Applicant contends that they contain limitations that are not described in Honda. Specifically, it is noteworthy that each independent claim contains a limitation addressing a solvent. Claim 12, for instance, has been amended to require "at least one solvent dispenser" as an element. As originally presented in the application, claim 14 addresses "a solvent-dispensing mechanism;" claim 17 requires "a nozzle configured to apply a solvent;" claims 20, 24, and 29 mention a "solvent dispenser;" claim 22 lists both a first and a second "solvent nozzle;" and

claim 28 describes “a nozzle . . . configured to couple to a solvent source.” The dependent claims incorporate these limitations as well.

① Honda discloses dropping a developing solution from a nozzle onto the resist layered over a color filter. In arguing against novelty, the Examiner assumed that the developing solution introduced to Honda’s workpiece inherently constitutes a solvent. In doing so, the Examiner implied that Honda’s nozzle meets the limitations addressed above. However, contrary to the Examiner’s assumption, Honda’s disclosure indicates that solvent properties are not inherent in the disclosed developing solution. A “solvent” is defined as a substance capable of dissolving another substance. (AMERICAN HERITAGE ELECTRONIC DICTIONARY (1992)). “Dissolving,” in turn, involves reducing solid matter to liquid form. (*Id.*) If Honda’s developing solution had inherent solvent properties, then introducing it to the resist would be sufficient to reduce the resist to liquid form, thereby making the resist easy to remove. However, Honda indicates that the developing solution alone is insufficient to remove the resist. Rather additional processing is required. This is demonstrated by Honda’s repeated teachings that the developing solution be applied before a subsequent developing process. (See Honda translation at p.1 last line- p. 2 ln. 1; p. 2 ln. 13-15; p. 3 ln. 32-33; p. 4 ln. 26.) Further, Honda teaches that, in the past, the developing solution and additional processing were still not necessarily enough to remove the resist. (*Id.* at p. 3 ln. 17-20.) Moreover, it is noteworthy that Honda discloses that the developing solution is placed over the entire color filter, which is then subjected to the additional processing. (*Id.* at p. 4 ln. 26-27; p. 5 ln. 6.) If the developer was inherently a solvent, then it would dissolve all of the underlying resist. This runs contrary to the teachings of Honda, which requires a certain pattern of resist to remain on the color filter. As a result, the Examiner’s basis for rejecting claims 12-14 and 17-33 is in error, and Applicant requests the withdrawal of this rejection.

#### B. Rejection based on Uchida

② The Examiner rejected pending claims 14-18, 20-21, 24, and 28-30 as being anticipated by Uchida. Applicant contends, however, that those claims contain limitations that Uchida fails to disclose. Uchida, in fact, discloses the exact opposite of at least some of the limitations in these claims. For, instance Uchida discloses a suction nozzle that directly contacts the workpiece surface.

Uchida not only illustrates this in figure 3 but also expressly teaches doing so in its text. (See Uchida translation at p. 3, ln. 37-38.)

Uchida's disclosure is in direct contrast to limitations found in the relevant claims. Claim 14, for example, lists as an element a negative pressure mechanism that is configured to be *spaced from the wafer*. This limitation is incorporated into dependent claims 15 and 16 as well. Claim 17, and through it dependent claim 18, requires a vacuum mechanism *offset from the edge of a wafer*. Claim 20 expresses a negative pressure device defining a vacuum area *intersecting* a wafer. Dependent claim 21 benefits from this limitation as well as another indicating that the negative pressure device is *distal* from the wafer. Claim 24 lists as an element a negative pressure device that defines a portal *spaced from all surfaces of a workpiece*. Claim 28 expresses a vacuum device that is *spaced* from a substrate. Claim 29 discusses a solvent vacuummer that is *separate* from the wafer. Claim 30 benefits from this limitation by dependency. Given Uchida's failure to disclose these limitations, Applicant requests the withdrawal of this basis for rejection.

#### IV. Rejection of claims under §103

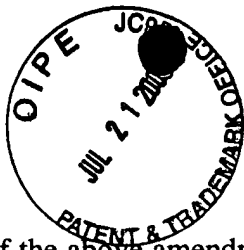
The Examiner rejected claims 19, 22, 23, 25-27, and 31-33 as being obvious in light of Uchida in combination with Honda. Specifically, in rejecting claims 19 and 22, the Examiner argued that it would be obvious to start with Uchida's device and modify it according to Honda. First, Applicant notes that the Examiner only addressed claims 19 and 22 in detail without articulating a basis for rejecting claims 23, 25-27, and 31-33. Second, it is significant that an obviousness rejection requires that the multiple prior art references teach, suggest, or provide an incentive to one of ordinary skill in the art to combine the references. (See *United States Surgical Corp. v. Ethicon Inc.*, 103 F.3d 1554, 1564, 41 U.S.P.Q.2d 1225, 1233 (Fed. Cir. 1997), *cert. denied*, 522 U.S. 950 (1997).) Applicant asserts that the cited references contain fundamental contradictory teachings that discourage combination.

In presenting the prior art, Uchida notes that previously disclosed suction nozzles had a tendency to become clogged during operation. (Uchida translation at p. 2, ln. 38-41.) Uchida proceeds to teach a process wherein a suction nozzle is placed "immediately opposite" the coating material to the extent that the nozzle actually contacts the coating solution. (*Id.* at p. 3

ln. 34-38.) Uchida further emphasizes this point in figure 3. Uchida concludes that its device avoids gumming up the suction nozzle during operation (*Id.* at p. 4, ln. 12-17), thereby suggesting to those of ordinary skill in the art that modification of Uchida's device risks gumming the suction nozzle.

Further, even if Uchida did not generally discourage modification, one of ordinary skill in the art would still be discouraged from modifications specifically suggested by Honda due to the fact that the two references teach away from each other. In direct contrast to Uchida's mandate that the suction nozzle be "in a position where it can contact the coating solution" (*Id.* at p. 3, ln. 37-38), Honda expresses having its nozzle "draw in air with its vacuum suction part" (Honda translation at p.3, ln. 40). Allowing the nozzle to draw in air suggests that the "vacuum suction part" is not contacting the workpiece surface. This suggestion is in fact supported by Honda's figure 3.

Thus, given that Uchida generally discourages modification and specifically conflicts with Honda, one of ordinary skill in the art would not only lack motivation to combine these references but would be actively discouraged from such combination. As a result, the Uchida/Honda combination should not be used to reject the relevant claims.



### Conclusion

In light of the above amendments and remarks, Applicant submits that claims 12-33 are allowable over the applied references. Further, Applicant asserts that the objections to the specification have been addressed. Therefore, Applicant respectfully requests reconsideration of the Examiner's objections and rejections and further requests allowance of all of the pending claims. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact Applicant's undersigned attorney at the number indicated.

Respectfully submitted,

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